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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

UNITED STATES OF AMERICA,  
Plaintiff,

Case No. 1:11cr368  
Akron, Ohio  
Monday, October 1, 2012

VS.

PEARLINE RICHARDSON,  
Defendant.

TRANSCRIPT OF PROCEEDINGS  
BEFORE THE HONORABLE DAVID D. DOWD, JR.  
UNITED STATES DISTRICT JUDGE

## SENTENCING HEARING

APPEARANCES:

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Court Reporter: Lori Ann Callahan, RMR-CRR  
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Proceedings recorded by mechanical stenography, transcript  
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1 P R O C E E D I N G S

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3 THE COURT: The court calls the case United States  
4 versus Pearline Richardson.

12:06:43 5 The court has received the presentence report, and  
6 I'll ask the defendant, have you had the opportunity to  
7 review the presentence report?

8 THE DEFENDANT: Yes.

9 THE COURT: Were there any additions or  
12:07:07 10 corrections that the defendant wished to bring to the  
11 court's attention with respect to the presentence report?

12 I don't seem to have the report, Debbie.

13 COURTROOM DEPUTY CLERK: It's right there.

14 MR. BRYAN: Your Honor, just for the record, there  
12:07:46 15 were disagreements as it related to the government's version  
16 of the events as it relates to the investigation, but those  
17 issues have been addressed and there's not an objection  
18 raised or request to change that information because that's  
19 the government's version of the events.

12:08:01 20 THE COURT: All right. Well, to quickly  
21 summarize, the offense level is first discussed at page 14  
22 of the presentence report, and it indicates that the base  
23 offense level is a 30, and it adds two levels. The first  
24 two levels are added because Sentencing Guidelines  
12:08:41 25 2G1.3(b) (3) states that "If the offense involved the use of

1 a computer or interactive computer service to (A) persuade,  
2 induce, entice, coerce, or facilitate the travel of the  
3 minor to engage in prohibited sexual conduct; or (B) entice,  
4 encourage, offer, or solicit a person to engage in  
12:09:04 5 prohibited sexual conduct with the minor, increase by two  
6 levels."

7 In this matter, the defendant took a photograph  
8 that the defendant used to advertise on Backpage.

9 The second specific offense characteristic is that  
12:09:20 10 "If the offense involved the commission of a sex act or  
11 sexual contact, then increase by two levels."

12 In this case, the minor, S.J., clearly was  
13 subjected to a sex act or a sexual conduct; add two more  
14 levels. That gets us to 34.

12:09:36 15 There's a reduction of three levels for acceptance  
16 of responsibility, and I gather the government agrees with  
17 the third level for acceptance?

18 MR. SULLIVAN: We do, Judge.

19 THE COURT: So the adjusted offense level is 31.  
12:09:50 20 So the total offense level is 31.

21 The defendant's criminal history category is Roman  
22 Numeral IV, as I understand it.

23 Is there any objection to the Roman Numeral IV  
24 criminal history category?

12:10:20 25 MR. BRYAN: No, Your Honor.

1 THE COURT: And then that leaves us with a  
2 sentencing range of 151 to 188 months. There's a mandatory  
3 minimum of ten years, as I understand it.

4 And does the government have any recommendation  
5 under 5K1.1?

6 MR. SULLIVAN: No, Judge, we do not.

7 THE COURT: The defendant's counsel submitted a  
8 very lengthy sentencing memorandum in favor of the  
9 defendant. It's been quite well done. And it is -- it is  
10 obviously the basis of a motion for a downward variance.

11 Is that agreeable?

12 MR. BRYAN: That is, Your Honor.

13 THE COURT: Would you like to summarize it in any  
14 way? I know you've done a great deal of work in this case.

15 MR. BRYAN: Your Honor, I would, and also, just  
16 for the record, I want to address the issue of the  
17 government's motion for substantial assistance. And, quite  
18 frankly, I think some of what I am about to say regarding  
19 that is in mitigation for Ms. Richardson as well as it  
20 relates to her willingness to be cooperative.

21 As the court may have been aware or as the court  
22 may remember, this case literally settled on the eve of  
23 trial. There was a lot of back and forth over the -- the  
24 months or the weeks leading up to the actual trial date in  
25 this case.

1 And this began as a multiple-count indictment,  
2 which ultimately resulted in Ms. Richardson by pleading by  
3 way of plea agreement to just the one count, the count  
4 involving the underaged individual in prostitution, S.J. As  
12:12:22 5 part of the plea agreement leading up to that, the  
6 government agreed to allow Ms. Richardson to proffer and to  
7 take into consideration the information that she provided in  
8 determining whether or not the government then will make a  
9 separate motion for downward departure, which could relieve  
12:12:40 10 Ms. Richardson of the mandatory minimum.

11 As the court may remember from the change of plea  
12 and things that have happened since that time,  
13 Ms. Richardson was very much concerned about trying to earn  
14 the government's motion so that she could try to get a  
12:13:00 15 sentence below the mandatory minimum sentence of ten years.

16 It was her desire from the beginning of the case  
17 not to avoid responsibility for her criminal conduct, but to  
18 have it all put in the proper perspective so that she didn't  
19 go to prison for an extremely lengthy period of time, a  
12:13:19 20 period of time that she believes, ten years, would be an  
21 extremely lengthy period of time, and her motivation all  
22 along was her family and her children.

23 She has a 14-year-old son, I don't know if he's  
24 turned 15 since then, who's now living with her oldest  
12:13:37 25 child, her daughter, in Florida. And she's doing a very

1 good job, along with her husband, helping care for him.  
2 They're all in court today, by the way, having traveled the  
3 900 miles north from Florida to be here on their mother's  
4 behalf for sentencing. Other family members are in the  
12:13:55 5 courtroom as well.

6 And that was -- but Ms. Richardson was never  
7 trying to avoid responsibility. She was trying to avoid a  
8 lengthy sentence. And she sat down with the government on  
9 two occasions.

12:14:10 10 I was present during the first occasion, and  
11 Ms. Kucharski was present during the second occasion. In  
12 our perception, and also I believe in the agent's  
13 perception, Ms. Richardson gave information in a truthful  
14 manner. The information that she provided regarding her  
12:14:26 15 knowledge of sex trafficking in the City of Cleveland  
16 involved information regarding S.J. and how she met S.J. and  
17 the fact that she was exploited by some other individual who  
18 was running an after-hours club and was prostituting S.J. at  
19 this after-hours club.

12:14:45 20 This other individual is known to the government;  
21 obviously, is known to Ms. Richardson. He's been identified  
22 by the street name of Tokyo, but the government knows who  
23 that individual is and has not only identified him, but has  
24 investigated him as well.

12:15:01 25 Unfortunately, I don't believe they believe that

1 Ms. Richardson's words alone, maybe even if S.J. would  
2 acknowledge that she worked on this gentleman's behalf,  
3 would be sufficient to try to bring a case against him.

4 But in addition to that information,  
12:15:17 5 Ms. Richardson had knowledge of other criminal conduct that  
6 she provided to the government's agents.

7 And just this past Wednesday afternoon, and I  
8 think it's important, just for the purposes of the record,  
9 we received an E-mail from Agent Kolonick, who's at the  
12:15:37 10 government's table today, which stated the following:

11 "All: Today I spoke with Special Agent Frank  
12 Brown, IRS. He has all the information and they're looking  
13 into it. The main problem is is we have no idea where the  
14 subject has her bank accounts. This is going to take time  
12:15:52 15 and there is no way we will have any results before  
16 sentencing. IRS has to show a significant loss or several  
17 subjects before they can open a full case.

18 "As I mentioned, I believe Pearline Richardson is  
19 telling the truth, but the information is dated and by no  
12:16:09 20 means significant at this time.

21 "I wanted all of you to know where we are with  
22 this information given during the proffer. If you have any  
23 questions, let me know."

24 In essence, Ms. Richardson provided information to  
12:16:19 25 the agents during her proffer that concerned an individual



1 whom Ms. Richardson knows who was engaged in preparing false  
2 income tax returns, not only, in fact, was a customer of  
3 hers during a period of time when she submitted income tax  
4 returns that were fraudulent and which resulted in  
12:16:43 5 individuals getting refunds to which they weren't entitled.

6 And the allegation was this was done on a very  
7 large scale, and even while this person was working for a  
8 tax preparer's office, so it is significant information.  
9 Unfortunately, the government has not had the opportunity to  
12:17:01 10 fully investigate that.

11 Notwithstanding that, I've been in federal  
12 sentences in the past where information have provided  
13 similar truthful information that the government has begun  
14 investigations with and they were still in a position to be  
12:17:15 15 able to make a motion, even if it was just for a level of  
16 substantial assistance.

17 But the government's choosing not to do that in  
18 Ms. Richardson's case; and, admittedly, the government has  
19 wide discretion to be able to do that. But for the sake of  
12:17:29 20 the record, I wanted to place this on the record, because  
21 obviously, their discretion isn't to the extent that they  
22 can't refuse to seek substantial assistance for an  
23 unconstitutional reason such as race or religion or  
24 something like that.

12:17:47 25 I am not alleging that at all. I'm not alleging

1 that the government's not choosing to exercise their  
2 authority, their discretion to move at this time for  
3 substantial assistance for Ms. Richardson because of an  
4 unconstitutional reason. But, however, the cases go on to  
5 say that there has to be a substantial threshold showing of  
6 an improper motive; and, quite frankly, I'm not sure that I  
7 am able to demonstrate an improper motive at this time as  
8 well.

9 But if I don't make the record at sentencing, then  
10 I -- it's plain error on review and I don't have the  
11 opportunity to argue it later.

12 But I believe that Ms. Richardson held up her end  
13 of the bargain. I believe she cooperated in good faith. I  
14 believe she provided truthful information to the government.  
15 I believe that information was helpful to the government as  
16 it related to all the information that Ms. Richardson  
17 provided; albeit, it may be dated, according to the  
18 government, but I believe at least as it relates to this one  
19 instance, there is significant information for the  
20 government to go forward as it relates to this IRS  
21 investigation regarding tax fraud.

22 And just for the record, I believe that  
23 Ms. Richardson has done everything she needed to do to earn  
24 substantial assistance and just want to place that on the  
25 record before I go too far into it.

1 THE COURT: Very well. I am concerned about  
2 paragraphs 74, 75 and 76 in the presentence report. I will  
3 read into the record what they set forth.

4 "On July 21, 2011, while being transported to the  
12:19:28 5 Cuyahoga County Jail by the U.S. Marshal Service as an  
6 inmate in the instant federal case, the defendant threatened  
7 an FBI task force officer.

8 "She was heard stating the FBI agent should be  
9 shot. She admitted to her statement when confronted. She  
12:19:46 10 explained she made a threat because she was upset about her  
11 case and she apologized to the Deputy U.S. Marshal  
12 continuously."

13 Next paragraph, "On July 26, 2011 and August 1,  
14 2011, while an inmate in instant federal case, being housed  
12:20:07 15 at the Cuyahoga County Jail" -- I didn't state that quite  
16 right.

17 "On July 26, 2011 and August 1, 2011, while an  
18 inmate in the instant federal case, being housed at the  
19 Cuyahoga County Jail, other female inmates reported to jail  
12:20:26 20 staff that the defendant was recruiting them to work as  
21 prostitutes for her once they were released from jail.  
22 These other inmates were moved/separated from the defendant.

23 "On August 3, 2011, while an inmate in the instant  
24 federal case, while housed at the Cuyahoga County Jail, the  
12:20:46 25 defendant became upset at jail staff when she was told she

1 was being moved from one pod to another.

2 "She was banging her cell door with her crutches  
3 and threatening to physically harm other female inmates.  
4 Other female inmates who were pregnant verbalized they  
12:21:02 5 feared the defendant because she had threatened to hurt  
6 their unborn children."

7 That's pretty egregious conduct that's set forth  
8 in the presentence report. And I wonder if the defendant in  
9 any way wishes to respond to that.

12:21:17 10 MR. BRYAN: Your Honor, we have addressed with the  
11 court, I believe, paragraph 75. We filed an affidavit that  
12 we secured from the individual who gave a 302 to the FBI  
13 regarding those allegations in paragraph 75.

14 An individual by the name of Rachel Hamilton said  
12:21:39 15 that she was detained at the Cuyahoga County Justice Center  
16 in July 2011. She was detained in the -- among these female  
17 federal inmates. Among these female inmates was Federal  
18 Inmate Pearline Richardson.

19 "I was brought down to the detective bureau to  
12:21:52 20 meet with two federal task force officers. I did not  
21 initiate this meeting. I was shown a picture of Pearline  
22 Richardson and asked if I knew her and what was going on in  
23 the pod.

24 "I told these investigators that I personally did  
12:22:04 25 not hear Pearline Richardson attempt to recruit women to

1 work for her prostitution business, but that the rumor --  
2 but that that was the rumor going around the pod.

3 "I told them this was all secondhand information  
4 shared with me by other female inmates who did not like  
5 Pearlline Richardson."

6 So we had an FBI 302 from this individual where it  
7 states in the 302 where she said that Ms. Richardson was  
8 recruiting people, but she told our -- actually, she told  
9 Ms. Kucharski, when she located this individual, that she  
10 told them just what the rumor was.

11 Part of the problem was that Ms. Richardson's  
12 arrest was publicized by the local media. In fact, I think  
13 it was promoted, in essence, by the Public Affairs Office of  
14 the U.S. Attorney's Office. They now have a person who  
15 works on behalf of the U.S. Attorney as a liaison with the  
16 press.

17 And I believe even press conferences were held  
18 regarding this. And because of that, Ms. Richardson was the  
19 target of a lot of the people in the jail saying, "You want  
20 to recruit me," and that kind of thing. And, quite frankly,  
21 Ms. Richardson was just very upset because this is when she  
22 was first arrested.

23 As it related to paragraph 74 -- oh, again,  
24 Ms. Kucharski learned that all of the women who were making  
25 allegations that Ms. Richardson was trying to recruit them

1 for prostitution actually were previously engaged in  
2 prostitution themselves, and we recovered their arrest  
3 records for prostitution and the like.

4 So Ms. Richardson, it's our position, was, in  
12:23:54 5 essence, the victim of a rumor mill and a lot of harassment  
6 because of the high-profile nature of her case, the fact  
7 that it was publically -- it was in the news media.

8 THE COURT: Let me tell you what I am concerned  
9 about here.

12:24:09 10 It appears to me that Ms. Richardson has made  
11 almost a life history out of being involved in prostitution.  
12 Her only concern was the claim that she didn't know the girl  
13 she was prostituting for was under 18. But there's never  
14 been an indication that she follows any other pursuit other  
12:24:31 15 than prostitution.

16 MR. BRYAN: I disagree with that, Your Honor. I  
17 think the record from the presentence investigation itself  
18 and also the sentencing memorandum we filed reflects how and  
19 when Ms. Richardson got involved in prostitution.

12:24:44 20 And I was prepared to address that as part of  
21 my sentencing colloquy.

22 THE COURT: I wish you would.

23 MR. BRYAN: I just wanted to preserve the  
24 substantial assistance issue on the record, and I've done  
12:24:55 25 that. But now I will turn my attention to the sentencing

1 issues as it relates to sentencing.

2 Obviously, 3553(a) is the controlling statute, and  
3 it indicates that Your Honor is to take into consideration  
4 the nature and circumstance the offense, which I am about to  
12:25:15 5 discuss, and the history and characteristics of the  
6 defendant to impose a sentence that's sufficient, but not  
7 greater than necessary, to accomplish the purposes and goals  
8 of sentencing.

9 Your Honor, as it relates to this offense conduct,  
12:25:26 10 the genesis of this case was actually Ms. Richardson herself  
11 contacting law enforcement when the minor in this case,  
12 S.J., had stolen from her and went back to her home. After  
13 she was told she no longer wanted her to work with her in  
14 her ring, the minor went back to Ms. Richardson's home, and  
12:25:47 15 she wasn't there, and she stole a big screen television set.

16 And the neighbors reported to Ms. Richardson what  
17 had happened, so Ms. Richardson actually contacted law  
18 enforcement to tell them -- to report this burglary of her  
19 home. When law enforcement then approached the minor in  
12:26:05 20 this case, there was also present the minor's mother and the  
21 minor's -- who was identified as her brother -- Reggie, but  
22 we learn later that she doesn't have a brother named Reggie.  
23 So we're not sure who this other individual was.

24 But anyway, the individual, when the law  
12:26:22 25 enforcement was talking to her about being -- having stolen

1 from Ms. Richardson, this individual named Reggie, and this  
2 is all pursuant to the police reports in this case,  
3 indicated to S.J., the minor, "You need to tell them about  
4 the prostitution."

12:26:39 5 And so, in essence, the focus got flipped from the  
6 minor being investigated for burglary to then the minor  
7 telling them about the prostitution.

8 Now, the minor herself never admitted to being  
9 involved in prostitution at that time, but said that  
12:26:53 10 Ms. Richardson was running a prostitution ring, and then  
11 later the minor did acknowledge that she was involved in the  
12 prostitution.

13 What the evidence revealed is that this wasn't  
14 something that Ms. Richardson had been doing all of her  
12:27:06 15 life. In fact, Ms. Richardson, the presentence  
16 investigation report reflects from the time she was very  
17 young, in fact, basically on her own as a teenager, and  
18 growing up and living on her own and having her miscarriage  
19 when she was 16 years old and then having her daughter who's  
12:27:26 20 in court today when she was 16 years old, was working  
21 fast-food restaurants, was working in the community, was  
22 doing everything she could to try to survive in the  
23 community working various odd jobs and staying away from the  
24 criminal element.

12:27:41 25 And she continued to do that up until the



1 beginning of 2000 when she was involved in an automobile  
2 accident that was alcohol related, and she was incarcerated  
3 for that for aggravated vehicular assault.

4 And she was sentenced to prison and went to prison  
12:27:56 5 for three years on that. And also at the same time, there  
6 was a RICO investigation, some sort of fraud activity, which  
7 Ms. Richardson actually cooperated in, but she was  
8 sentenced -- also a sentence to run concurrent with the time  
9 that she was serving on that -- on the vehicular assault  
12:28:17 10 case.

11 Ms. Richardson was released on that case, and in  
12 2007, she came back to the community. She was back with her  
13 children, with her daughter, with her two sons, and she was  
14 working legitimate jobs. She was working at various places.  
12:28:34 15 And the best job that she had was working as a telemarketer  
16 selling AT&T products.

17 Unfortunately, there was something that happened  
18 at AT&T, or not AT&T, but the telemarketer for whom she was  
19 working, and she was let go. I don't think she was fired.  
12:28:52 20 She was laid off because of the downturn in the economy, and  
21 she lost that employment.

22 After that, she started working at various night  
23 clubs in the greater Cleveland area and she -- one of her  
24 roles working at these night clubs was to organize dancers  
12:29:10 25 and organize parties, like bachelor parties when men would

1 come in to have these bachelor parties, and there were  
2 dancers at these night clubs that she would organize these  
3 parties with.

4 And these were individuals that were just engaged  
12:29:22 5 in dancing, exotic dancing, sometimes removing clothing and  
6 things like that. But they weren't engaged in prostitution  
7 at that time.

8 It was while she was working in that capacity that  
9 there were two dancers who enlightened her about this  
12:29:40 10 Backpage USA, which is this online advertisement for -- you  
11 never online, you don't advertise prostitution, but what is  
12 advertised is massages, dances, things like that. I think  
13 the government would be the first to acknowledge that that's  
14 basically just a front for prostitution, and that this is a  
12:30:01 15 big problem nationwide, that literally, you know,  
16 nationwide, thousands, if not tens of thousands of  
17 individuals are engaged in advertising their services  
18 through this Backpage.com.

19 In fact, it's a multibillion dollar enterprise  
12:30:17 20 now. This corporation has made tens of millions, if not  
21 hundreds of millions of dollars, selling these  
22 advertisements. I think the government has a beef with  
23 Backpage as well. They know a lot of the people who  
24 advertise may not be -- first of all, it's all illegal,  
12:30:32 25 because prostitution is illegal in most states. But it's

1 also not uncommon for minors to be involved in this as well.

2 So anyway, Ms. Richardson then learned how to do  
3 this through a couple of dancers and she started with a  
4 couple of other individuals she had met through the night  
12:30:51 5 clubs who said they were interested in engaging in  
6 prostitution in this manner.

7 And Ms. Richardson then gradually over time, in  
8 essence, became like a manager of women who wanted to use  
9 this service, this Backpage.com service, and she also then  
12:31:08 10 started running prostitution out of her home.

11 Now, based upon our investigation, there were --  
12 and this may seem to incriminate, but I think at the same  
13 time, exculpatory, there were multiple women, I could  
14 characterize even dozens of women who advertised with  
12:31:32 15 Ms. Richardson through this Backpage.com, and based upon our  
16 investigation, none of them were minors except for this  
17 S.J., and that Ms. Richardson actually learned of S.J. when  
18 she was in an after-hours club and S.J. was a dancer at this  
19 after-hours club. And this was part of the information that  
12:31:51 20 she provided in her proffer to the FBI, that that's how she  
21 first learned of her.

22 Now, S.J. clearly was a minor, but she's  
23 physically developed. She's post-pubescent. She looks like  
24 an adult. In fact, out of the individuals that we  
12:32:10 25 investigated in this matter, the adult individuals who were

1 involved, as well as S.J., she was clearly physically just  
2 as mature as the other adults who were engaged in this  
3 activity.

4 The bottom line is that if not for Ms. Richardson  
12:32:33 5 reporting S.J. to law enforcement, it's very unlikely that  
6 Ms. Richardson would have ever come to the attention of law  
7 enforcement in this matter.

8 Now, it is important to note that as part of the  
9 record, and this was in previous court filings, that S.J.  
12:32:51 10 left a message with Ms. Richardson on her voice mail after  
11 Ms. Richardson had reported her to the law enforcement, and  
12 that message, I can't repeat it verbatim, in essence, is  
13 what she said is, "You're a crass ole, dumb ole bitch."

14 THE COURT: Threatened her?

12:33:10 15 MR. BRYAN: "I'm a minor. I'm a minor, and, you  
16 know, you're going to be in trouble." And then S.J.  
17 obviously was cooperating with law enforcement against, and  
18 had a stronger motive to cooperate with law enforcement  
19 against Ms. Richardson, because Ms. Richardson had reported  
12:33:27 20 her own criminal conduct to the police.

21 And it was S.J. who took law enforcement to see  
22 one of the first other complainants in this case, a girl  
23 identified as Sky, who then made a statement against  
24 Ms. Richardson, and then other individuals. One of the  
12:33:46 25 individuals was there at the home when Ms. Richardson's

1 house was raided. She's also someone who made a statement  
2 against Ms. Richardson.

3 Now, I don't know if the government's arguing that  
4 it's relevant conduct, that this counts as relevant conduct,  
12:34:02 5 but I believe there were good fact-based reasons for the  
6 government to dismiss those counts against the adults whom  
7 the government allege --

8 THE COURT: One of the things that troubles me is  
9 the count that the government did not prosecute, and that's  
12:34:13 10 the one dealing with the pornographic materials that she had  
11 and she helped produce, as I understand, and that count was  
12 the last count in the indictment, and that was dismissed.

13 I think that was a very serious count that is out  
14 of the picture from the standpoint of sentencing, but it  
12:34:34 15 certainly reflected very negative conduct on the part of  
16 your client.

17 MR. BRYAN: Well, the pictures -- and  
18 Ms. Kucharski and I had an opportunity to view all the  
19 images. The pictures that were located, there was an issue  
12:34:49 20 regarding who was the one who actually took the pictures.  
21 They were not taken on a digital camera that was owned by  
22 Ms. Richardson.

23 They were actually identified as taken on a  
24 digital camera that was owned by one of the government's  
12:35:02 25 witnesses in this case, a person identified Toni Walcott.

1 She was actually in the pictures as well. She was in the  
2 pictures along with S.J. and they were both -- they were  
3 both clothed in some of -- in those images. They were  
4 actually engaged in suggestive poses with each other, but  
12:35:25 5 they were wearing a negligee.

6 So the government's arguments related to  
7 lascivious display -- now, Ms. Richardson never acknowledged  
8 to taking those pictures or even telling them to pose or  
9 anything like that, but those were images that were used and  
12:35:44 10 created by that digital camera, but then were placed on the  
11 computer that was found that Ms. -- that belonged to  
12 Ms. Richardson.

13 Now, other images just were images that were used  
14 on Backpage, as well, for advertisements, and the government  
12:36:03 15 alleged that some of those were child pornography as well,  
16 because, again, the lascivious display. But although this  
17 is a person who's chronologically a minor, physiologically,  
18 for all intents and purposes, has the appearance of an  
19 adult, or someone who could just as easily be 20 years old  
12:36:22 20 or even older based upon her physiological appearance.

21 So I understand Your Honor's concern about that,  
22 but I think there were fact-based reasons for the government  
23 to be willing to dismiss that count as well.

24 The bottom line is, we're here today for the  
12:36:37 25 underaged prostitution, and those cases vary greatly. There

1 are cases where the defendants know that the person is a  
2 minor at the time that they're using them in the  
3 prostitution as compared to being reckless in that regard.

4 There are cases where the minor is even  
12:36:54 5 prepubescent as compared to a post-pubescent minor. There  
6 are cases where the minor had been kidnapped and held  
7 against her will or taken from one state to another or  
8 brought from another country.

9 THE COURT: Your point is this is not an egregious  
12:37:11 10 case?

11 MR. BRYAN: I would submit, as it relates to other  
12 sex trafficking cases, this falls on the edge of promoting  
13 prostitution, but getting into big trouble because one of  
14 the prostitutes just happened to be a minor.

12:37:29 15 THE COURT: You want to speak about your client  
16 with respect to other matters? I read carefully about  
17 her historical background, and it appears to me that she  
18 had, to put it mildly, a very difficult childhood.

19 MR. BRYAN: Your Honor, I think that maybe one of  
12:37:47 20 the -- I think the important dichotomies in this case is her  
21 childhood appears to be very similar to the childhood that  
22 the minor in this case is experiencing or was experiencing,  
23 and I believe still is experiencing to this day.

24 She's someone who came from a broken home. She  
12:38:03 25 never knew her father. Her mother abandoned her. Her

1 grandmother did everything she could to try to raise her,  
2 but unfortunately, there were lots of other children that  
3 the grandmother was trying to raise at the same time. You  
4 know, she was a victim of her upbringing and her poverty.  
12:38:20 5 She did suffer sexual abuse as a minor, as a young child at  
6 the hands of one of her mother's boyfriends. She also  
7 reported being sexually assaulted as an adult as well.

8 All along, her main goal in life, especially after  
9 her children were born, was to try to provide for her  
12:38:38 10 children in the manner in which she wasn't.

11 THE COURT: She has three children?

12 MR. BRYAN: She has three children. All three are  
13 present in the courtroom today, the oldest being 23 and her  
14 youngest son, Requan, who's 15, and her other son who's 20.

12:39:00 15 THE COURT: I appreciate the family appearing.

16 MR. BRYAN: And I think it's also important to  
17 note as it relates to the victim in this case is that she  
18 wasn't being held against her will. She was able to come  
19 and go. She did come and go. She left.

12:39:15 20 She was there -- in fact, we had a lot of evidence  
21 that she contacted Ms. Richardson and continued to contact  
22 her. When Ms. Richardson left town and was visiting her  
23 daughter in Florida, she was contacting Ms. Richardson  
24 because she wanted to work, things of that nature.

12:39:31 25 And I think all those things mitigate against the



1 type of sex trafficking case when you think of even  
2 President Obama, in front of the Clinton Global Initiative  
3 spend an entire speech before the Clinton Global Initiative,  
4 talking about how his administration has been working hard  
12:39:48 5 against human slavey, especially as it relates to sex  
6 trafficking, even here in the United States.

7 And so there is a big -- there is a big push to  
8 address these concerns, and what I am suggesting is that  
9 this case doesn't represent the most aggravated case of sex  
12:40:07 10 trafficking. In fact, if S.J. was an adult, there wouldn't  
11 be a federal case.

12 This would be a case where Ms. Richardson would be  
13 looking at promoting prostitution, because prostitution is  
14 illegal in the state of Ohio.

12:40:20 15 It also would be a case that if they were in  
16 Nevada, she would have to make sure that she was properly  
17 licensed and that the health department was coming in to  
18 make sure that she was running her legal prostitution  
19 brothel appropriately.

12:40:37 20 So there's a nationwide -- I mean, there's sort of  
21 a schizophrenic approach to these vice crimes that make it  
22 difficult for me, as a defense attorney, to say that  
23 Ms. Richardson should be looking at a mandatory minimum of  
24 ten years in prison, when but for, you know, a different set  
12:40:56 25 of circumstances, she may actually be able to engage in this

1 same behavior legally, not with the minor, of course, but  
2 the overall behavior legally in other states, and she's  
3 properly licensed and the like.

4 So, again, 120 months is a significant sentence.  
12:41:14 5 I think it's much greater than necessary to accomplish the  
6 purposes and goals of sentencing as it relates to  
7 Ms. Richardson. I did hope for her that we would have the  
8 opportunity to even go below that based upon her  
9 cooperation. I still have hope that the government will at  
12:41:31 10 some time within the --

11 THE COURT: The government always has the power to  
12 make -- I think it's a Rule 35 motion.

13 MR. BRYAN: Within a year.

14 THE COURT: But the court doesn't have any  
12:41:41 15 control.

16 MR. BRYAN: We understand.

17 THE COURT: I hope the people realize that we have  
18 what we call a separation of powers in this country, and the  
19 court does not control the executive branch of the  
12:41:51 20 government, and it's the executive branch of the government  
21 that has to decide what it wishes to do, A, with the  
22 question whether there was substantial assistance; and, B,  
23 whether or not to file a Rule 35 motion. I don't have any  
24 control over that.

12:42:04 25 MR. BRYAN: We understand, Your Honor, and I've

1 explained that to Ms. Richardson as well. That doesn't  
2 minimize her disappointment regarding that and her --

3 THE COURT: In any event, maybe to summarize, you  
4 believe based on the background of the defendant, her  
12:42:22 5 difficult upbringing, the fact that she's, from all  
6 accounts, been an excellent mother, and also the rather  
7 unusual way in which this criminal offense was discovered,  
8 all of which in your view is warranted for a downward  
9 variance?

12:42:43 10 MR. BRYAN: It is, Your Honor.

11 THE COURT: I appreciate how hard you've worked  
12 for your client, and I will give the government the  
13 opportunity to respond on the issue of variance.

14 MR. SULLIVAN: Thank you, Judge.

12:42:53 15 First, I guess I am just going to go in order, I  
16 want to address Mr. Bryan's comments regarding the refusal  
17 of the government to make the 5K motion, and I think I wrote  
18 it down. I don't know.

19 THE COURT: Let me say, first of all, you don't  
12:43:10 20 have to justify that, that's --

21 MR. SULLIVAN: Well, I now, but he actually made  
22 the comment that he's not sure that he can show improper  
23 motive, and I want to invite him that if he thinks he has a  
24 shred of evidence of an improper motive, to bring it on,  
12:43:21 25 because there's none. There's none.

1 She didn't give anything. She didn't do any  
2 substantial assistance. She gave dated information of stuff  
3 that the FBI already knew, and she tried to flip in somebody  
4 else she knew that was engaged in tax fraud. It's -- okay.  
12:43:34 5 It's a lead. That's not 5K. It's a lead.

6 This is a person who's committing illegal  
7 activity. They're going to refer to the right agency to  
8 look into it. It wasn't given enough time to look into  
9 anything, and it wasn't substantial. It's an identification  
12:43:45 10 of someone who might be engaging in fraud.

11 So to say that he's not sure that he can show it's  
12 an improper motive is despicable. He knows he cannot show  
13 improper motive. She didn't do substantial assistance.

14 Moving on.

12:43:57 15 As far as the -- whether or not she recruited  
16 somebody in jail, I know they got a statement from some  
17 other inmate who said, "Oh, what I said before to the FBI  
18 isn't true." Okay.

19 But there were two other ones who gave statements  
12:44:09 20 to the FBI that she was trying to recruit in jail. So as  
21 far as this statement in paragraph 75, the government stands  
22 by it and says -- we still say that the evidence supports  
23 that she was trying to recruit other women in the jail to  
24 engage in prostitution.

12:44:21 25 As far as the photos that you indicated you had a

1 concern about the charge that was going to be dismissed  
2 regarding production of child pornography, and it's almost  
3 comical, Mr. Bryan said that he's not sure who took the  
4 photos because there was another person involved. But then  
12:44:39 5 he admits that the other person involved was actually  
6 depicted in the photos with the minor engaged in sexual  
7 activity.

8 Well, that would leave one person taking the  
9 photo. It was Ms. Richardson. That's what both of those  
12:44:48 10 other two people said happened, and that's what the evidence  
11 would show happened since two of them are in the photo, the  
12 third person would be the photographer. That's really not a  
13 stretch.

14 And since we're talking about preponderance of the  
12:44:58 15 evidence, we think it certainly makes that a preponderance  
16 of the evidence.

17 As far as whether or not we consider the other  
18 acts relevant conduct, we do. And, again, there were  
19 several reasons, obviously, that went beyond why this case  
12:45:10 20 worked out in a plea, and it certainly was going to be --  
21 there's no doubt that there were going to be some  
22 credibility issues with some of the witnesses or the  
23 victims, and the government is cognizant of that, and it  
24 resulted in plea negotiations.

12:45:22 25 But that's -- but that calculus is determining

1 whether or not we think we can prove a case beyond a  
2 reasonable doubt. We're at sentencing now. It's beyond  
3 preponderance of the evidence.

4 So we fully assert to the court that the facts  
12:45:36 5 contained that support those counts is certainly relevant  
6 conduct and this court can consider it. We certainly  
7 believe that there's preponderance of the evidence that she  
8 engaged in the activity that lead to those counts.

9 Now, there's reasonable cause. There was -- she  
12:45:48 10 was indicted for it. We certainly think there was  
11 preponderance of the evidence to show that she did engage in  
12 coercion, she did engage in intimidation.

13 So this case, while I understand that they  
14 submitted a lengthy sentencing memorandum, the boo-hooing  
12:46:02 15 about Ms. Richardson's past, but it's somewhat ironic that  
16 they said because she had such a troubled childhood, it's  
17 okay that she exploit another child and was going to lead  
18 her down the very same path that she now is trying to use as  
19 an excuse.

12:46:13 20 But other than that, the fact is, these other  
21 counts support the fact that it wasn't just that the child  
22 was a minor. We think there's a preponderance of the  
23 evidence she was engaged in intimidation. She was engaging  
24 in coercion. This was not entirely voluntary on the part of  
12:46:27 25 these other women and on the part of the minor. And there

1 was evidence that she engaged in physical violence. She  
2 engaged in threats.

3 She engaged in -- there's evidence -- and they're  
4 well aware of it, there's evidence of a recording of her  
12:46:39 5 going on, yelling and screaming in quite a violent nature.  
6 There's certainly evidence that she engaged in intimidation  
7 and violence. We think that goes to, in part, the  
8 balancing.

9 Again, we understand the unfortunate situation she  
12:46:51 10 may have had growing up might be -- when the court is trying  
11 to balance reasons for a variance, that might be one part.  
12 But the other side is also the egregiousness of this  
13 conduct, and it is egregious. It might not be someone who  
14 was kidnapped, and Mr. Bryan can list a variety of cases  
12:47:06 15 that could be worse, but it's not the most mild either.

16 We have evidence that -- first of all, admittedly,  
17 that she was prostituting a minor, and then the  
18 preponderance of the evidence, we would submit, is for the  
19 relevant conduct of the other counts that showed she was  
12:47:21 20 engaging in intimidation and violence with these -- or  
21 coercion with these other women.

22 So we don't think a variance is supported at all.

23 Mr. Bryan makes a comment about, you know, if it  
24 wasn't -- whatever, if we were in Nevada; well, it makes no  
12:47:38 25 sense. We're in Ohio. We're in the Northern District of

1 Ohio, and the child was a minor. So to say that -- what did  
2 he say? Chronologically, she is a minor, but  
3 physiologically --

4 THE COURT: "Schizophrenic" was the word about  
12:47:52 5 this country with respect to prostitution.

6 MR. SULLIVAN: What was it?

7 THE COURT: Schizophrenic.

8 MR. SULLIVAN: He was promoting the fact that the  
9 child physiologically didn't look like a minor, but  
12:48:03 10 chronologically she was.

11 I think, having been a prosecutor for 24 years, I  
12 am pretty sure that would be the purpose behind crimes that  
13 have statutes of ages of consent, because children  
14 physiologically may develop quicker than they do mentally,  
12:48:18 15 so there's purposes in why we pass these laws, and that's  
16 why we're here for things such as we are.

17 Judge, in sum, this case obviously was a  
18 contentious case throughout, and the defendant is getting --  
19 did get quite a benefit from this plea. She was facing  
12:48:35 20 15-year minimum mandatories on all the counts alleged before  
21 us, as well as the alleged count of production of child  
22 pornography.

23 And she's now facing a ten-year minimum mandatory.  
24 She's got a quite a benefit in this case, and we don't think  
12:48:46 25 there's any reason -- and keeping in mind the lengthy



1 defense sentencing memorandum, when balanced against the  
2 relevant conduct in this case and everything else about  
3 Ms. Richardson, we don't think there's any reason to vary  
4 downward and we would ask you not to vary downward.

12:49:02 5 THE COURT: Response?

6 MR. BRYAN: Yes, Your Honor.

7 First, as it relates to chronologically versus  
8 physiologically, I think I should have added behaviorally as  
9 well, because our investigation revealed that S.J. was going  
10 to night clubs and drinking in bars and smoking cigarettes  
11 and going and purchasing cigarettes, which you have to be 18  
12 to do in any convenient store all around, engaging in  
13 drug-related activity, selling drugs.

14 Ms. Richardson first met her when she was acting  
12:49:32 15 as an exotic dancer in an after-hours club that she was  
16 engaged in sex acts in public at an after-hours club,  
17 involving things that not only with someone who appeared to  
18 be an adult, but was acting like an adult.

19 So there's a chronological age that comes into  
12:49:55 20 play here, and there's a physiologically agent, behavioral  
21 agent, when someone is acting like an adult and they look  
22 like an adult and when you're in that part of society where  
23 you're at an after-hours club, and there's alcohol and  
24 there's drug abuse and sex acts going on in front of lots of  
12:50:09 25 people, if you're in that environment, too, admittedly

1 Ms. Richardson was, it may be easy to believe that the  
2 person is a consenting adult.

3 Now, the reason she admitted to being reckless in  
4 this case is, quite frankly, prostitution is risky business.  
12:50:27 5 And if you're going to promote it and you're going to  
6 involve other people in it or allow other people -- allow  
7 yourself to be used in it by assisting other people to be  
8 involved in prostitution, then you need to dot all of your  
9 I's, cross all your T's, be as vigilant as you can to make  
12:50:44 10 sure that the persons whom you are using are of an  
11 appropriate age to be able to consent to the activity that  
12 they're engaging in.

13 That's the theory upon which Ms. Richardson  
14 admitted her guilt in this case, and that's the appropriate  
12:50:59 15 theory that we had to face if we went to trial, because the  
16 government doesn't have to prove knowledge.

17 If the government has its way and Congress, if it  
18 gets the laws passed exactly the way they want them passed,  
19 and there's not only a lack -- they don't have to prove  
12:51:14 20 actual knowledge, they just have to prove for recklessness.

21 And what the heck is recklessness? So that was  
22 the fear that we had going to trial against a count where  
23 the government didn't have to prove actual knowledge.

24 As it related to the child pornography case, they  
12:51:31 25 didn't have to prove actual knowledge that the child was

1 under the age of 18 to be able to subject her to a mandatory  
2 minimum of a 15-year prison sentence, and there weren't just  
3 three people that day. In fact, there were images of other  
4 people that were sitting on the couch.

12:51:49 5 Our investigation revealed that there were six  
6 individuals there that day, not just three. There were  
7 other individuals there. There were other individuals who  
8 could have taken the pictures upon which the government  
9 wanted to rely.

12:52:02 10 The bottom line is, Your Honor, this case gives us  
11 a view into a very sordid and sad world, an extremely sordid  
12 and sad world. And, quite frankly, it was a world that  
13 Ms. Richardson was born into as it relates to the  
14 presentence investigation report and the psychological  
12:52:22 15 evaluation.

16 This is the world she grew up in. This is the  
17 world that she was exposed to. But even being exposed to  
18 such a negative world, Ms. Richardson still strived to live  
19 a law-abiding life, and even after going to prison for an  
12:52:38 20 auto accident where alcohol was involved, she still strived  
21 to live a law-abiding life.

22 And it was only after a downturn in the economy  
23 where she lost her law-abiding job and she started working  
24 in this other area working in the red light district as it  
12:52:54 25 relates to night clubs and exotic dancers and things like

1 this, that she then got involved in this other very terrible  
2 and sad part of life.

3 It's a life that exists, Your Honor, that most of  
4 us aren't exposed to within federal courthouses, but even  
12:53:13 5 legitimate pornography, if there is such a term, even lawful  
6 pornography is a multibillion dollar business. Sex sells in  
7 this country. It sells whether it's being done legally or  
8 whether it's being done illegally. It sells and people use  
9 it to benefit themselves financially.

12:53:33 10 Ms. Richardson has admitted to doing that herself.  
11 But this is not the case of a prepubescent-known minor being  
12 taken against her will and being forced into prostitution  
13 from another country. This is that borderline case where  
14 physiologically, emotionally, behaviorally, this young lady  
12:53:56 15 appeared to be as much as an adult as the other individuals  
16 who were engaged in this conduct with Ms. Richardson who  
17 were not the subject matter of this case, even the earlier  
18 case where there was an indictment. There are many other  
19 individuals known to the government who were not alleged to  
12:54:12 20 have been forced into this activity.

21 In fact, individuals who admitted to us that they  
22 were involved in this, but they were never forced. It was,  
23 you know, if you wanted to earn some money, you call, you  
24 come over, you do a few appointments, you have the money  
12:54:27 25 that you earn and you leave. Nobody was held against their

1 will, even by a preponderance of the evidence.

2 So this is a case that, I think, warrants  
3 mitigation. It warrants statutorily a sentence that's  
4 sufficient, but not greater than necessary. I believe the  
12:54:44 5 statutory mandatory minimum is greater than necessary. We  
6 don't have a vehicle to go below it.

7 And I would also submit that, based upon what I  
8 observed, and based upon what the agents told me and based  
9 upon what Ms. Kucharski observed during the proffer, Ms.  
12:55:01 10 Richardson was forthright. She was honest about all the  
11 information she provided, that she provided leads to the  
12 government. I've sat through dozens of proffers throughout  
13 my career where the government has received less and still  
14 made the motion for substantial assistance.

12:55:16 15 As far as an improper motive not to seek it, I  
16 think the motive on the government's part is this: They  
17 don't want to seek a variance on be- -- seek the motion on  
18 behalf of Ms. Richardson because they fear that this court  
19 will take advantage of that motion and sentence her to a  
12:55:34 20 sentence that is far less than 120 months, and they don't  
21 want to take that risk.

22 I think that's an improper motive, and I will  
23 place it on the record.

24 THE COURT: Thank you. The court will publish an  
12:55:52 25 opinion, and I'm not going to take the time to read the

1 entire opinion.

2 But the court has concluded that a downward  
3 departure of two levels is justified, so that changes the  
4 sentencing range. It was previously 151 to 188 months. The  
12:56:13 5 new sentencing range is 121 to 151 months.

6 And before I decide what the sentence would be, I  
7 will give counsel an opportunity to argue, and also, of  
8 course, Ms. Richardson has the opportunity to speak to the  
9 court as she so wishes.

12:56:30 10 Does the government have anything they wish to add  
11 with respect to the sentencing between the range of 121 to  
12 151 months?

13 MR. SULLIVAN: Judge, for the reasons stated  
14 before, the government feels that a sentence at the high end  
12:56:44 15 of the range you have now set would be the only sentence  
16 justified in this case.

17 THE COURT: Thank you.

18 Counselor, do you want to speak first, or do you  
19 want your client to speak first?

12:56:53 20 MR. BRYAN: Your Honor, I will allow  
21 Ms. Richardson to have the -- I will let her speak first.

22 THE COURT: Ms. Richardson, the law provides that  
23 before the court sentences a defendant, the defendant has a  
24 right to speak to the court, not required to, but you  
12:57:09 25 have -- you have the right to speak to the court and address

1 the question of how I should use my discretion in this  
2 matter.

3 And if you wish to speak, I am prepared to listen  
4 to you.

12:57:28 5 You can remain seated. I think it would be easier  
6 to pick you up on the mic. I appreciate the fact that you  
7 were prepared to stand, but you can remain seated.

8 THE DEFENDANT: Thank you. I want to apologize to  
9 S.J. because I did not know that she was a minor. And I  
12:57:55 10 guess I should apologize to the State of Ohio for trying to  
11 pay bills. I never hurt anyone doing what I was doing.  
12 Girls even called on a daily basis for me to get work for  
13 them. Because we -- you know, we had downtime.

14 I didn't do this for no more than 13 months, and  
12:58:25 15 that's not even a 13-month-straight thing, because it was  
16 like 30, 45, 60 days where we will go and don't even get  
17 appointments.

18 Everything was 50/50. No one was forced. We got  
19 along. We never got hurt by anyone. Not no appointments,  
12:58:49 20 no one got hurt.

21 I guess -- and S.J., she was young, and I didn't  
22 know even -- I didn't even know -- believe it until after I  
23 was arrested and in custody. She left me the message. I  
24 didn't believe it then. I mean, the attorney that I had  
12:59:15 25 before these attorneys, she was telling me, and I'm like,

1 there's no way, you know, because I've been around this  
2 girl. I'm here because I misjudged her. I didn't know, and  
3 that was part of my job, was to know. I wouldn't put a  
4 child in a situation like that.

12:59:34 5 I need to apologize to my family and my son. I  
6 need to apologize to my son, Requan, because I'm a mother,  
7 I'm a mother, and I'm a good mother. And I wouldn't -- I  
8 mean, I wouldn't -- I wouldn't do this to no child. I've  
9 been there. You know, it's crazy. Like this stuff is like  
13:00:15 10 a bad dream, all these people I'm meeting, my lawyers, the  
11 prosecutor, FBI agents, and this is like TV stuff.

12 You know, I don't want to be the bad guy here.  
13 All I wanted to do was like, you know, pay my rent, get a  
14 landlord. I don't have nobody else to go live with. I got  
13:00:42 15 to have a place for me and my son to live, put food on the  
16 table, keep the light and the gas bill on.

17 I mean, this girl that I met, and it was terrible  
18 that I met her, so terrible, because like she told -- she  
19 say, "Look, I'm doing this and how I'm working here now, so,  
13:01:14 20 you know, I heard about what you do. A lot of people talk  
21 about you all the time, the girls you work for, they looking  
22 nice, they driving nice, they eating good. I get cheated  
23 out of my money here. I don't even get my money here."

24 She approached me more than twice to work for me,  
13:01:35 25 and I wished I would never, ever worked with this girl.



1 Because I wouldn't do that. I wouldn't. That's not my  
2 thing.

3 You know, I was just looking forward to being like  
4 a grandmother. I was so happy that my daughter's life was  
13:01:57 5 taking off so beautifully and she getting married,  
6 getting -- about to be a grandmother, because this is  
7 different and I experienced a different feeling from being a  
8 mother to a grandmother. I just wanted to, whatever  
9 mistakes that I made being a mother, I learned, so I can be  
13:02:18 10 a better grandmother. And that's all I wanted to do, is be  
11 close to my children and be there for them as a mother and  
12 make up for them three years that I did mess up.

13 This agent -- I mean, this prosecutor, he feels  
14 like there's no other underaged kid, you know. I was trying  
13:02:52 15 to be careful and keep us all safe. All we wanted to do was  
16 pay our bills. This is what we did, and it was wrong, but  
17 we did it. I mean, I tried to -- I wasn't making millions,  
18 not even thousands. I was just making enough to pay the  
19 bills, because I couldn't get a job, and I tried to get a  
13:03:18 20 job. I love working a 9:00 to 5:00. I would love to.

21 I never forced anyone to do this. No one. I feel  
22 like -- hey, I am 40-something years old, you know. Ten  
23 years to me is life. Anything is life. I mean, I just got  
24 myself together right way with my kids. I got myself good  
13:03:50 25 with my kids. You know, they all -- they staying in school,

1 and I made sure of that. I made sure that they know how to  
2 take care of themselves and understand what's going on out  
3 here, and my children don't get in trouble. I kept a tight  
4 end on them before the three years in prison and after the  
13:04:13 5 three years.

6 I just -- I wasn't -- I was just trying to be a  
7 mother. S.J. girl, she was around my son. You know,  
8 there's no -- I know now that she was underage. I know that  
9 now, but I keep thinking back, like how the hell did I miss  
13:04:37 10 it? How did I miss it? Because I didn't know, and that's  
11 why I am in trouble right now. And I got to be taken away  
12 from my kids and my granddaughter, and to see my daughter as  
13 a wife. And my grandmother is 90-some years old; my aunt.  
14 This is all that I have. I don't have anything else. I  
13:05:04 15 didn't go out and rob anyone, shoot or kill. They said I  
16 had a gun. Never had a gun. I don't even like  
17 firecrackers.

18 So just the nature of this case, it makes it so,  
19 like, huge worldwide, because it was a minor involved. It  
13:05:23 20 ain't even about the prostitution, because it's about just a  
21 minor being involved and just being in grown-up places and  
22 stuff.

23 And I was there with her, not knowing that she was  
24 a minor, and it's costing me so much, and I feel like -- I  
13:05:45 25 mean, I feel like really, really bad that I did not know,

1 Your Honor. I feel so terrible that I did not know about  
2 S.J.'s age.

3 And I never did any harm to her. Looking at her  
4 as an adult, I never put my hands on her. I never  
13:06:10 5 disrespected her. I never did anything to her. This is  
6 brought about because I smelled like chemicals coming out of  
7 her body, which is what they call wet PCP. I felt no longer  
8 to work with her anymore, because she wasn't right. She was  
9 doing drugs. I didn't want to work with her no more.

13:06:32 10 And this was before July 4th of 2011. She was  
11 smoking water. I don't want to work with nobody that's  
12 doing stuff like that, because it brings other problems, and  
13 I don't do drugs like that. I fired her. I said -- I told  
14 her, I was like, "I don't think we could work together  
13:06:57 15 anymore."

16 And during like a week after that, she broke into  
17 my house because she knew that I wouldn't be there at that  
18 time. She knew that my son would be with his dad. She  
19 broke into my house. As soon as I pulled on the street,  
13:07:13 20 like three neighbors of mine run out of their homes saying,  
21 "Hey, that girl just with a truck and two guys and a girl,  
22 they just like -- they just was banging on your door real  
23 hard, and they took something out your house and ran down  
24 the street -- she drove off down the street." It's a  
13:07:32 25 one-way street. She did it in broad daylight for all the

1 neighbors to see.

2 And I just called the police right away. If I am  
3 doing something like this with a minor, I mean, why would I  
4 call -- why would I call the police on her? I didn't know  
13:07:50 5 she was a minor.

6 But even still, everything still falls back to me  
7 being -- trying to go make money without having the rights  
8 to run a business. All I was thinking about, paying the  
9 light bill and the gas bill and food on the table; and my  
13:08:15 10 son, he's 14, 13. This guy wore a size 12 in shoes, in  
11 shoes. I mean, he played football. That's -- you know, I  
12 have to just try to keep a good -- keep him right and out of  
13 trouble.

14 Because if my child was somewhere out there  
13:08:35 15 doing -- and if my child was somewhere and I ain't even know  
16 where my kid was, I would go find my child. I will find my  
17 child and know what's going on with my child. No matter --  
18 I wouldn't go -- I wouldn't even get no sleep. I got to  
19 know where my child is.

13:08:57 20 I don't even know how I -- I got wrapped up -- I  
21 don't know how I didn't see that this girl was underaged,  
22 because this is a nightmare for me that's going to haunt me.  
23 And I am sorry to her, because I wouldn't have never  
24 involved her in anything if I didn't know she was -- I  
13:09:19 25 thought she was an adult. I would have never take a child

1 and do something like that.

2 I met her, and I am going to say it, I met her in  
3 an after-hours spot sucking a man's dick in a dick sucking  
4 contest. That's how I met her. So how am I -- I thought  
13:09:41 5 she was bad business from that point on, because after the  
6 contest, knowing that she working for this Tokyo person at  
7 his house three streets from my house, she comes and asks me  
8 to work for me being disrespectful to him. That could cause  
9 problems for me again.

13:10:02 10 And that was the first time I ignored her, and I  
11 wished I would have just kept ignoring her. And she looked  
12 different each and every time you see her. She looks  
13 different.

14 THE COURT: Thank you for your statement.

13:10:19 15 It will be the sentence of this court that you be  
16 committed to the Bureau of Prisons for a period of 132  
17 months.

18 That you be on supervised release upon release  
19 from imprisonment for a term of five years.

13:10:40 20 You shall pay a special assessment to the United  
21 States of \$100, which shall be due immediately.

22 While on supervision, the defendant shall not  
23 commit another federal, state or local crime, shall not  
24 illegally possess a controlled substance, shall comply with  
13:10:54 25 the standard conditions that have been adopted by this court

1 and shall comply with the following additional conditions:

2 Mandatory drug testing. The defendant shall  
3 refrain from any unlawful use of a controlled substance and  
4 submit to one drug test within 15 days of the commencement  
13:11:08 5 of supervision, and to at least two periodic drug tests  
6 thereafter determined by the pretrial services and probation  
7 officer.

8 Firearms and dangerous weapons. The defendant  
9 shall not possess a firearm, destructive device or any  
13:11:21 10 dangerous weapon.

11 Search and seizure. The defendant shall submit  
12 her person, residence, computer or vehicle to a warrantless  
13 search conducted and controlled by the United States  
14 Probation Officer at a reasonable time and in a reasonable  
13:11:33 15 manner based upon reasonable suspicion of contraband or  
16 evidence of a violation of a condition of release. Failure  
17 to submit to a search may be grounds for revocation.

18 The defendant shall inform any other residents  
19 that the purposes -- that the premises may be subject to a  
13:11:47 20 search pursuant to this condition.

21 Financial disclosure. The defendant shall provide  
22 the probation officer with access to any requested financial  
23 information.

24 Financial restrictions. The defendant shall not  
13:12:00 25 incur new credit charges or open additional lines of credit

1 without the approval of a probation officer.

2 Drug treatment and testing. The defendant shall  
3 participate in an approved program of outpatient, inpatient  
4 or detoxification substance abuse treatment, which will  
13:12:16 5 include drug and alcohol testing to determine if the  
6 defendant has reverted to substance abuse.

7 Sex Offender Registration Notification Act (Adam  
8 Walsh Act). Pursuant to 18, United States Code, Section  
9 3583, the defendant is required to register under the Sex  
13:12:31 10 Offender Registration Notification Act and must comply with  
11 the requirements of that act as directed by the probation  
12 officer.

13 Pursuant to the Adam Walsh Child Protection Act of  
14 2006, the defendant shall register as a sexual offender not  
13:12:46 15 less than three business days from her release from custody.  
16 The defendant will keep the registration current in each  
17 jurisdiction in which she resides, is employed or is a  
18 student.

19 The defendant shall, no later than three business  
13:12:58 20 days after each change in name, residence and employment or  
21 student status, appear in person to at least one  
22 jurisdiction in which she is registered and inform the  
23 jurisdiction of all changes and reporting information.

24 Failure to do so may be a violation of her  
13:13:13 25 condition of supervised release and may be a new federal

1 offense punishable by up to ten years.

2 Mental health treatment. The defendant shall  
3 participate in an outpatient mental health treatment program  
4 as directed by the probation officer.

13:13:34 5 DNA collection. The defendant shall cooperate in  
6 the collection of DNA as directed by the probation officer.

7 Minor Protection and Restriction Program.  
8 Defendant will abide by all rules of the Minor Protection  
9 and Restriction Program of the United States Pretrial  
13:14:01 10 Services and Probation Office.

11 Defendant shall submit to a mental health  
12 evaluation and sex offender assessment as directed by the  
13 probation officer.

14 Defendant shall participate in any treatment  
13:14:12 15 program, including for sexual deviancy, which may include  
16 polygraph testing recommended by these evaluations.

17 The defendant shall submit to periodic polygraph  
18 testing as directed by the probation officer. No violation  
19 proceedings will be based solely upon the results of the  
13:14:28 20 polygraph examination or a valid Fifth Amendment refusal to  
21 answer a polygraph question.

22 The defendant shall not have any contact with the  
23 victim or victim's family, including letters, communication  
24 devices, audio or visual devices, business or any contact  
13:14:44 25 through a third party without prior written consent of the



1 probation officer.

2 The defendant will not possess any type of camera,  
3 photograph device and/or equipment, including video  
4 recording equipment, without the written approval of the  
13:14:58 5 probation officer.

6 The defendant should understand that if you wish  
7 to appeal your conviction and sentence, you must file a  
8 notice of appeal within ten days.

9 Do you understand?

13:15:15 10 THE DEFENDANT: Yes, and I will.

11 THE COURT: Is there anything further that the  
12 court should consider in this sentencing?

13 MR. SULLIVAN: Judge, just the only other item was  
14 in paragraph 22 of the plea agreement, that the defendant  
13:15:24 15 had agreed to the forfeiture of \$3,000. We would ask you to  
16 order that.

17 And also, the United States would move to dismiss  
18 Counts 2 through 7.

19 THE COURT: The forfeiture of \$3,000 will be  
13:15:36 20 ordered as involved -- is that in the plea agreement?

21 MR. BRYAN: It is, Your Honor.

22 THE COURT: And the other charges will be  
23 dismissed.

24 MR. SULLIVAN: If we could ask, Judge, there's  
13:15:51 25 computer equipment and stuff with contraband on it, just ask

1 for an order for that to be destroyed by the FBI.

2 THE COURT: Yeah. Give me a written order, if you  
3 would.

4 MR. SULLIVAN: Thank you, Judge.

13:16:01 5 THE COURT: Does the defendant have a place where  
6 she prefer the court to recommend for incarceration?

7 MR. BRYAN: Yes, Your Honor. Two of her children  
8 now reside in Florida. We would ask that Your Honor  
9 recommend that the nearest available facility to northern  
13:16:18 10 Florida. I believe it's Jacksonville, Florida.

11 THE COURT: The court will make that  
12 recommendation. Is there a backup recommendation? Because  
13 they don't necessarily follow what I recommend.

14 MR. BRYAN: Then the nearest to the Northern  
13:16:31 15 District of Ohio, because that's where the rest of her  
16 family is.

17 THE COURT: All right.

18 MR. BRYAN: So either Ohio or Florida.

19 THE COURT: We will do that.

13:16:35 20 MR. BRYAN: We would ask for credit for time since  
21 July 14, which was the date of her arrest.

22 THE COURT: Credit will be provided with respect  
23 to the sentence for that time she's been in custody.

24 Anything further to come before the court?

13:16:52 25 MR. BRYAN: Apparently, the PSR says that she was

1 arrested on the 18th, but that was when she was first in  
2 federal custody, but she was arrested on this case on the  
3 14th.

4 THE COURT: The 14th of --

13:17:05 5 MR. BRYAN: July, 2011.

6 THE COURT: So she's been in custody for well over  
7 a year then.

8 MR. BRYAN: Right, Your Honor.

9 THE COURT: And also that PSR amendment reflected  
13:17:14 10 that date as well.

11 If Mr. Riffle --

12 MR. SULLIVAN: Judge, I'm not sure if you can give  
13 credit for state time. I mean, if it was original --

14 THE COURT: She doesn't get credit until she's in  
13:17:24 15 federal custody. When did she come into federal custody?

16 MR. BRYAN: I believe on the 18th is when she had  
17 her first appearance. But she was arrested on the 14th by  
18 the federal agents.

19 THE COURT: We will make it the 14th of July, you  
13:17:37 20 say, 2011?

21 MR. BRYAN: Yes.

22 THE COURT: That's a lot of time to be credited  
23 for.

24 Anything further?

13:17:45 25 MR. SULLIVAN: It's a difference of four days,

1 Your Honor. It's the 18th or the 14th. She was arrested  
2 locally, and she was charged federally on the 18th.

3 For purposes of appeal, I don't think that you can  
4 give credit for --

13:17:57 5 THE COURT: That's true. She didn't come into  
6 federal custody until the 18th of July. That's when she  
7 will be given credit for that time.

8 MR. BRYAN: Only, she didn't -- wasn't subjected  
9 to a state sentence. I mean, she ultimately --

13:18:10 10 THE COURT: It still starts when you're in federal  
11 custody. You can't get credit for time in state custody. I  
12 can't do anything about that.

13 As a matter of fact, if I say otherwise, the  
14 Bureau of Prisons will overrule me anyway, so there's no  
13:18:25 15 sense in getting an incorrect order.

16 Anything further?

17 MR. BRYAN: Just that, I guess, the four days  
18 could be taken into consideration as part of your sentence,  
19 Your Honor, instead of 132, but we don't sentence people to  
13:18:46 20 days, we sentence people to months.

21 THE COURT: Yeah. I can't modify the sentence by  
22 that.

23 Now, I would assume that Ms. Richardson wishes to  
24 file a notice of appeal. She filed a lengthy pro se written  
13:19:05 25 document that I think I have described earlier when she

1 asked to withdraw her guilty plea, at least I read it to be  
2 that. And I also understood she asked me for new counsel,  
3 both of which I overruled.

4 And, Ms. Richardson, I have to tell you, I don't  
13:19:23 5 know how you could have gotten two lawyers that worked  
6 harder for you than these two, but counsel may wish that I  
7 appoint someone else to represent her on appeal. I think  
8 that might be appropriate.

9 MR. BRYAN: Your Honor, we will file the notice of  
13:19:36 10 appeal, and then we will indicate in the notice whether or  
11 not other counsel should be assigned.

12 THE COURT: Very well. I will leave that to you.  
13 Anything further?

14 MR. SULLIVAN: No, thank you, Judge.

13:19:45 15 THE COURT: Court will be in recess. Thank you.

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C E R T I F I C A T E

I certify that the foregoing is a correct transcript  
from the record of proceedings in the above-entitled  
matter.

s/Lori A. Callahan  
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